

IN THE SUPREME COURT OF THE STATE OF KANSAS

RULES RELATING TO SUPREME COURT, COURT OF APPEALS,  
AND APPELLATE PRACTICE

**RULE 5.051**

DISMISSAL OF APPEALS BY DISTRICT COURT

Supreme Court Rule 5.051 is hereby amended, effective the date of this order:

The district court shall have jurisdiction to dismiss an appeal where the appellant has filed the notice of appeal in the district court but has failed to docket the appeal with the clerk of the appellate courts. Failure to docket the appeal in compliance with Rule 2.04 shall be ~~deemed~~ presumed to be an abandonment of the appeal and the district court ~~shall~~ may enter an order dismissing the appeal. The order of dismissal shall be final unless the appeal is reinstated by the appellate court having jurisdiction of the appeal for good cause shown on application of the appellant made within thirty (30) days after the order of dismissal was entered by the district court. An application for reinstatement of an appeal shall be made in accordance with Rule 5.01 and Rule 2.04 and shall be accompanied by a docket fee unless excused under Rule 2.04.

By order of the Court, this 6<sup>th</sup> day of September, 2005.

FOR THE COURT

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Kay McFarland, Chief Justice